

## 2009 DRAFTING REQUEST

### Bill

Received: **01/23/2009**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Thornton**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**  
**Employ Pub - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

DOA:.....Thornton -

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**Topic:**

Consolidation and transfer of positions in executive branch state agencies

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**Instructions:**

See Attached.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/1	rchampag 01/24/2009	jdyer 01/24/2009	phenry 01/24/2009				State
/2					chanaman 01/25/2009		

FE Sent For:

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DOA:.....Thornton, BB0512 -

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See Attached.

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/?				_____			State
/1	rchampag 01/24/2009	jdyer 01/24/2009	phenry 01/24/2009	_____			State
/2	chanaman 01/25/2009	kfollett 01/25/2009	mduchek 01/25/2009	_____	chanaman 01/25/2009		
				_____	chanaman		
				_____	01/25/2009		

FE Sent For:

**<END>**

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/?	rchampag	1/24 jld	1/24 ph	1/24 DSM			
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FE Sent For:

<END>

1/2  
1/2  
1/25

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Authorize DOA Secretary to transfer FTEs between state agencies in order to gain efficiencies through consolidation.
- Tracking Code: BB0512
- SBO team: State Government Operations
- SBO analyst: Scott B. Thornton
  - Phone: 266-5051
  - Email: Scott.Thornton@WI.gov
- Agency acronym: DOA
- Agency number: 505
- Priority (Low, Medium, High): High

Intent: To provide the DOA secretary with broad authority to transfer FTEs between agencies and charge back to existing agency budgets for the purpose of gaining efficiencies in state government through consolidation.

Potential areas of consolidation that should be listed within the language include, but are not limited to:

Brownfield grant programs

PECFA grant programs

Food Facilities Inspection/Oversight

Minority Business Enterprise Program

Payroll Operations

Business Registration

**Licensing**

**Call Center Operations**

**Customer Service Centers**

**Marketing**

**Housing Programs**

**Land Management**

**Consumer Protection**

## **2009-11 Budget Bill Statutory Language Drafting Request**

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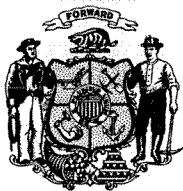
Marketing

Housing Programs

Land Management

Consumer Protection





(D-Note)  
State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1744/1

RAC:.....

jld

DOA:.....Thornton - Consolidation and transfer of positions in executive branch state agencies✓

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

— do not gm✓

X

1

**AN ACT ...; relating to: the budget.✓**

*Analysis by the Legislative Reference Bureau*

✓STATE GOVERNMENT

✓OTHER STATE GOVERNMENT

(secretary)

\*

\*

\*

This bill provides that, if the secretary of administration determines that state operations may be performed more efficiently and effectively by consolidating positions from 2 or more executive branch state agencies into a single executive branch state agency, the secretary may transfer positions from any executive branch state agency to another executive branch state agency to achieve this purpose. The bill permits the secretary to transfer moneys between appropriations accounts to fund these transferred positions. In addition, the bill permits any executive branch state agency to enter into an agreement with another executive branch state agency for the performance of any services. The agreement shall specify the services to be provided, the payment required for the services, and the appropriation account of the executive branch state agency performing the services into which payment for the services is to be made.✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1        **SECTION 1.** 16.505 (1) (d) of the statutes is created to read:

2        16.505 (1) (d) The secretary under s. 16.506 (3).

3        **SECTION 2.** 16.506 of the statutes is created to read:

4        **16.506 Consolidation of positions in executive branch state agencies**  
5        **for purposes of efficiency and effectiveness of state operations.** (1) In this  
6        section:

7        (a) "Executive branch state agency" means any office, department, or  
8        independent agency in the executive branch of state government, and includes the  
9        building commission.

10        (b) "Position" has the meaning given in s. 230.03 (11).

11        (2) If the secretary determines that state operations may be performed more  
12        efficiently and effectively by consolidating positions from 2 or more executive branch  
13        state agencies into a single executive branch state agency, the secretary may transfer  
14        positions from any executive branch state agency to another executive branch state  
15        agency to achieve this purpose.

16        (3) The secretary shall increase the authorized full-time equivalent positions  
17        for any executive branch state agency to which the positions are transferred under  
18        sub. (2) by the number of full-time equivalent positions that are transferred and  
19        shall decrease the authorized full-time equivalent positions for any executive  
20        branch state agency from which the positions are transferred by the number of  
21        full-time equivalent positions that are transferred. The secretary shall determine  
22        which appropriation accounts shall be used to fund salary and fringe benefit costs  
23        of the transferred positions in the executive branch state agency to which the  
24        positions are transferred.

(4) The secretary may transfer moneys between the appropriation account that was previously used to fund salary and fringe benefit costs of the positions in the executive branch agency from which the positions were transferred to the appropriation account that will be used for such purposes in the executive state agency to which the positions are transferred under sub. (2). The amount transferred may not exceed the amount necessary to fund salary and fringe benefit costs. The expenditure authority for these appropriation accounts shall be accordingly increased or decreased by the amounts transferred between the appropriations under this subsection.

(5) An executive branch state agency may enter into an agreement with another executive branch state agency for the performance of any services. The agreement shall specify the services to be provided, the payment required for the services, and the appropriation account of the executive branch state agency performing the services into which payment for the services is to be made.

(END)

d-note  
↓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1744/1dn

RAC:.....

date

jld

Scott Thornton:✓

As we discussed, the concept behind this budget request is fairly simple to state and describe, but it is a little more difficult to craft as statutory text.✓ Per your request, I have given the secretary of administration✓ blanket authority to transfer positions between executive branch state agencies and to provide for the transfer of funds between appropriations to initially fund the transferred positions.✓ I have also authorized executive branch state agencies to enter into agreements to perform services for one another.✓ Please be aware that, in many instances, the exercise of this authority will be fairly straightforward and without legal consequence.✓ For example, payroll and maintenance services, and even certain legal services, can easily and adequately be performed by one state agency for another state agency.✓ But I caution that there are certain functions that state agencies are statutorily obligated to perform,✓ functions that are core functions assigned to these executive state branch agencies by the legislature by law, and which cannot easily or perhaps even legally be performed by another state agency.✓ The authority you have requested for the secretary is fairly sweeping and I cannot guarantee that in every instance its exercise by the secretary will be workable or lawful.✓

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1744/1dn  
RAC:jld:ph

January 24, 2009

Scott Thornton:

As we discussed, the concept behind this budget request is fairly simple to state and describe, but it is a little more difficult to craft as statutory text. Per your request, I have given the secretary of administration blanket authority to transfer positions between executive branch state agencies and to provide for the transfer of funds between appropriations to initially fund the transferred positions. I have also authorized executive branch state agencies to enter into agreements to perform services for one another. Please be aware that, in many instances, the exercise of this authority will be fairly straightforward and without legal consequence. For example, payroll and maintenance services, and even certain legal services, can easily and adequately be performed by one state agency for another state agency. But I caution that there are certain functions that state agencies are statutorily obligated to perform, functions that are core functions assigned to these executive state branch agencies by the legislature by law, and which cannot easily or perhaps even legally be performed by another state agency. The authority you have requested for the secretary is fairly sweeping and I cannot guarantee that in every instance its exercise by the secretary will be workable or lawful.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: [rick.champagne@legis.wisconsin.gov](mailto:rick.champagne@legis.wisconsin.gov)

**Champagne, Rick**

---

**From:** Thornton, Scott - DOA [scott.thornton@wisconsin.gov]  
**Sent:** Sunday, January 25, 2009 9:27 AM  
**To:** Champagne, Rick  
**Subject:** FW: LRB Draft: 09-1744/1 Consolidation and transfer of positions in executive branch state agencies  
**Attachments:** 09-1744/1.pdf; 09-1744/1dn.pdf

Rick -

Please modify to allow the secretary to reassign employees between agencies, but not the positions or funding. The sending agency would continue to pay the employees affected. They are thinking that it should be more on the lines of involuntary employee interchanges.

Please let me know if you have questions.

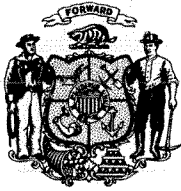
Thanks,

Scott

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**From:** Henry, Patty [mailto:Patty.Henry@legis.wisconsin.gov]  
**Sent:** Saturday, January 24, 2009 3:10 PM  
**To:** Thornton, Scott - DOA  
**Cc:** Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA  
**Subject:** LRB Draft: 09-1744/1 Consolidation and transfer of positions in executive branch state agencies

*Following is the PDF version of draft 09-1744/1.*



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1744/2

RAC:jap

KJF RMR

BB0512

DOA:.....Thornton - Consolidation and transfer of positions in executive branch state agencies

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

do not send

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

*Insert Analysis*

This bill provides that, if the secretary of administration (secretary) determines that state operations may be performed more efficiently and effectively by consolidating positions from two or more executive branch state agencies into a single executive branch state agency, the secretary may transfer positions from any executive branch state agency to another executive branch state agency to achieve this purpose. The bill permits the secretary to transfer moneys between appropriations accounts to fund these transferred positions. In addition, the bill permits any executive branch state agency to enter into an agreement with another executive branch state agency for the performance of any services. The agreement shall specify the services to be provided, the payment required for the services, and the appropriation account of the executive branch state agency performing the services into which payment for the services is to be made.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 16.505 (1) (d) of the statutes is created to read:

2       16.505 (1) (d) The secretary under s. 16.506 (3).

3       **SECTION 2.** 16.506 of the statutes is created to read:

4       **16.506 Consolidation of positions in executive branch state agencies**  
5       **for purposes of efficiency and effectiveness of state operations.** (1) In this  
6       section:

7       (a) "Executive branch state agency" means any office, department, or  
8       independent agency in the executive branch of state government, and includes the  
9       building commission.

10       (b) "Position" has the meaning given in s. 230.03 (11).

11       (2) If the secretary determines that state operations may be performed more  
12       efficiently and effectively by consolidating positions from 2 or more executive branch  
13       state agencies into a single executive branch state agency, the secretary may transfer  
14       positions from any executive branch state agency to another executive branch state  
15       agency to achieve this purpose.

16       (3) The secretary shall increase the authorized full-time equivalent positions  
17       for any executive branch state agency to which the positions are transferred under  
18       sub. (2) by the number of full-time equivalent positions that are transferred and  
19       shall decrease the authorized full-time equivalent positions for any executive  
20       branch state agency from which the positions are transferred by the number of  
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22       which appropriation accounts shall be used to fund salary and fringe benefit costs  
23       of the transferred positions in the executive branch state agency to which the  
24       positions are transferred.



1       (4) The secretary may transfer moneys between the appropriation account that  
2       was previously used to fund salary and fringe benefit costs of the positions in the  
3       executive branch agency from which the positions were transferred to the  
4       appropriation account that will be used for such purposes in the executive state  
5       agency to which the positions are transferred under sub. (2). The amount transferred  
6       may not exceed the amount necessary to fund salary and fringe benefit costs. The  
7       expenditure authority for these appropriation accounts shall be accordingly  
8       increased or decreased by the amounts transferred between the appropriations  
9       under this subsection.

10       (5) An executive branch state agency may enter into an agreement with  
11       another executive branch state agency for the performance of any services. The  
12       agreement shall specify the services to be provided, the payment required for the  
13       services, and the appropriation account of the executive branch state agency  
14       performing the services into which payment for the services is to be made.

15

(END)

Insert  
3-15

**2009-2010 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1744/2ins  
RAC:jld:ph

**Insert Analysis:**

This bill provides that, if the secretary of administration determines that state operations may be performed more efficiently and effectively by the reassignment of employees among state agencies in the executive branch, the secretary may reassign employees from one state agency to another state agency. Reassigned employees must, for the duration of the reassignment, perform any work assignment of the state agency to which they are reassigned. Under the bill, reassigned employees are entitled to the same salary and fringe benefits to which they would otherwise be entitled and remain employees of the state agency from which they were reassigned for all purposes, including the payment of their salaries and fringe benefits, and any continuous service benefits.

**Insert 3-15:**

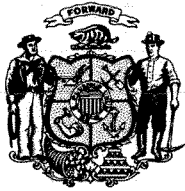
**SECTION 1.** 16.506 of the statutes is created to read:

**16.506 Reassignment of employees in state agencies for purposes of efficiency and effectiveness of state operations.** (1) In this section, "state agency" means any office, department, or independent agency in the executive branch of state government, and includes the building commission.

(2) If the secretary determines that state operations may be performed more efficiently and effectively by the reassignment of employees among state agencies, the secretary may reassign employees from one state agency to another state agency.

(3)(a) Employees who are reassigned from one state agency to another state agency under sub. (2) shall, for the duration of the reassignment, perform any work assignment of the state agency to which they are reassigned.

(b) Employees who are reassigned from one state agency to another state agency under sub. (2) are entitled to the same salary and fringe benefits to which they would otherwise be entitled and shall remain employees of the state agency from which they were reassigned for all purposes, including the payment of their salaries and fringe benefits, and any continuous service benefits.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1744/2

RAC:kjf:md

DOA:.....Thornton, BB0512 - Consolidation and transfer of positions in executive branch state agencies

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*

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**OTHER STATE GOVERNMENT**

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9       (3) (a) Employees who are reassigned from one state agency to another state  
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15      which they were reassigned for all purposes, including the payment of their salaries  
16      and fringe benefits, and any continuous service benefits.

17                               **(END)**